

A RESOLUTION BY

11-R-0086

COUNCILMEMBER MICHAEL JULIAN BOND

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AMENDMENT AGREEMENT NUMBER 6 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED THIRTY SEVEN THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$1,137,600.00) WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City did solicit Bids for Contract No. FC- 4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters ("Contractors"); and

WHEREAS, the Atlanta City Council adopted Resolution 09-R-1550 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943E with Tople Construction, Inc.; and

WHEREAS, the base term of the Contract will be for a period of Two (2) years, with Two (2) One (1) year renewal options to be exercised at the sole discretion of the City effective October 20, 2009 through October 19, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1877 adopted by the City Council on November 2, 2009 and approved by the Mayor on November 6, 2009 in an amount not to exceed Two Hundred Fifty Thousand Dollars (**\$250,000.00**); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Tople Construction Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1925 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Three Hundred Thirty Four Thousand Eight Hundred Ninety Five Dollars and Eighty Six Cents (**\$334,895.86**); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Tople Construction, Inc., Annual Contract to

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund, 2501 (Intergovernmental Grant Fund), 3109 (1994 G.O. Bond Fund) 130308 (DPW Transportation Design) 130302 (DPW Traffic Engineering) 4270000 (Traffic Engineering) and Account numbers and PTAE0 Funding Source 13110871 1** 25011932 5414002 COA, 13110871 1** 25011932 5414002 COA, 13***** 1** 3109***** 5414002 COA.

Joice M. Shepherd
Michael Julian Bond
11-R-0086
James Watson
John S. Sibley

**A RESOLUTION BY
COUNCILMEMBER MICHAEL JULIAN BOND**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AMENDMENT AGREEMENT NUMBER 6 WITH TOPLE CONSTRUCTION, INC., FOR FC-4943E, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY FOUR THOUSAND NINE HUNDRED THIRTY SIX DOLLARS (\$1,124,936.00) WITH ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM VARIOUS FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS; AND FOR OTHER PURPOSES.

WHEREAS, the City did solicit Bids for Contract No. FC- 4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters ("Contractors"); and

WHEREAS, the Atlanta City Council adopted Resolution 09-R-1550 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943E with Tople Construction, Inc.; and

WHEREAS, the base term of the Contract will be for a period of Two (2) years, with Two (2) One (1) year renewal options to be exercised at the sole discretion of the City effective October 20, 2009 through October 19, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1877 adopted by the City Council on November 2, 2009 and approved by the Mayor on November 6, 2009 in an amount not to exceed Two Hundred Fifty Thousand Dollars (**\$250,000.00**); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with Tople Construction Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1925 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Three Hundred Thirty Four Thousand Eight Hundred Ninety Five Dollars and Eighty Six Cents (**\$334,895.86**); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1060 adopted by the City Council on June 21, 2010 and approved by the Mayor on

June 29, 2010 for the Fairburn Road Sidewalk Project in an amount not to exceed Two Hundred Eighty Thousand Dollars **(\$280,000.00)**; and

WHEREAS, the Department of Public Works entered in to Amendment Agreement No. 4 with Tople Construction, Inc., Annual Contract Sidewalks, Driveways, Curbs & Gutters via Resolution No. 10-R-1270 adopted by City Council on July 19, 2010 and approved by the Mayor on July 27, 2010 in an amount not to exceed Two Hundred Sixty Five Thousand Eight Hundred Ninety Nine Dollars and Forty Five Cents **(\$265,899.45)**; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 5 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Four Hundred Eighty One Thousand Seven Hundred Seventy One Dollars and Sixteen Cents **(\$481,771.16)**; and

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 6 with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed One Million One Hundred Twenty Four Thousand Nine Hundred Thirty Six Dollars **(\$1,124,936.00)**; and

WHEREAS, Tople Construction, Inc., has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Public Works and the Chief Procurement Officer recommend this Amendment Agreement Number 6, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor, or his designee, is authorized to execute Amendment Agreement Number 6, Contract No. FC-4943E; Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with Tople Construction, Inc, on behalf of the Department of Public Works in an amount not to exceed One Million One Hundred Twenty Four Thousand Nine Hundred Thirty Six Dollars **(\$1,124,936.00)**.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Agreement will not become binding upon the City, and the City will incur no liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to Tople Construction, Inc.

BE IT FINALLY RESOLVED, that all contracted work will be charged to and paid from Fund, 2501 (Intergovernmental Grant Fund), 130308 (DPW

Transportation Design) 130302 (DPW Traffic Engineering) 4270000 (Traffic Engineering) and Account numbers and PTAE0 Funding Source 13110871 1** 250111932 5414002 COA, 13110871 1** 250111932 5414002 COA.